

and aches in all her joints; \* \* \* swollen bowels. \* \* \* all swollen and caked \* \* \* kidney trouble and piles. \* \* \* risings all over my body \* \* \* slow fevers \* \* \* bowels began to enlarge gradually, \* \* \* tonsillitis \* \* \* bleeding piles. \* \* \* appendicitis. \* \* \* a tumor \* \* \* kidney and gall stones; \* \* \* milk leg \* \* \* Spanish influenza \* \* \* inflammatory rheumatism \* \* \* hemorrhage of the lungs \* \* \* rheumatism and weak kidneys \* \* \* helped my hearing, \* \* \* breaking out on her hands and \* \* \* splotches on her face \* \* \* neuritis (kidney disease), with high blood pressure. \* \* \* high blood pressure and some Bright's \* \* \* severe cough and night sweats," were false and fraudulent, in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 7, 1924, no claimant having appeared for a portion of the product and the claimants for the remainder of the said product having admitted the allegations of the libels, judgments of condemnation were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13081. Misbranding of peanut meal. U. S. v. 340 Bags of Peanut Meal. Decree entered, ordering product released under bond to be relabeled. (F. & D. No. 19429. I. S. No. 21287-v. S. No. E-5073.)**

On December 23, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 340 bags of peanut meal, remaining in the original unbroken packages at Baltimore, Md., consigned in part about August 5, 1924, and in part about October 23, 1924, alleging that the article had been shipped by the Suffolk Oil Mill, Suffolk, Va., and transported from the State of Virginia into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Manufactured By Suffolk Oil Mill Suffolk, Va. Guaranteed Analysis: Protein 41 per cent."

Misbranding of the article was alleged in the libel for the reason that the statement, appearing in the labeling, "Guaranteed Analysis: Protein 41 per cent" was false and misleading and deceived and misled the purchaser, in that the said statement represented that the article contained 41 per cent of protein, whereas it contained a less amount.

On January 31, 1925, the Suffolk Oil Mill, Suffolk, Va., having appeared as claimant for the property, judgment of the court was entered, ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, in conformity with section 10 of the act, and it was further ordered by the court that the product not be disposed of until properly relabeled to the satisfaction of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13082. Misbranding and alleged adulteration of tomato paste. U. S. v. 392 (457) Cases of Tomato Paste. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19219. I. S. No. 19061-v. S. No. C-4547.)**

On December 8, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 457 cases of tomato paste, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Hershel California Fruit Products Co., from San Jose, Calif., October 22, 1924, and transported from the State of California into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Naples Style Tomato Sauce Contadina Brand \* \* \* Packed By Hershel Cal. Fruit Prod. Co. \* \* \* San Jose, Cal."

Adulteration of the article was alleged in the libel for the reason that an artificially-colored product had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Sauce," borne on the labels, was false and misleading and deceived and misled the purchaser when applied to a tomato sauce or paste containing artificial color.

On January 24, 1925, A. Morici, Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled "Artificially Colored."

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13083. Adulteration of minced clams. U. S. v. 500 Cases and 1,400 Cases of Minced Clams. Consent decree of condemnation and forfeiture. Product released under bond to be salvaged.** (F. & D. Nos. 18890, 18891. I. S. Nos. 20697-v, 20698-v. S. Nos. W-1542, W-1543.)

On August 6, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,900 cases of minced clams, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Cordova Packing Co., from Cordova, Alaska, in part July 16, 1924, and in part July 22, 1924, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, water or brine, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On January 29, 1925, G. P. Halferty Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$4,000, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department, and the bad portion destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13084. Misbranding of cottonseed cake. U. S. v. Conway Oil & Ice Co. Plea of guilty. Fine, \$100.** (F. & D. No. 17619. I. S. No. 10438-v.)

On September 28, 1923, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Conway Oil & Ice Co., a corporation, Conway, Ark., alleging shipment by said company, in violation of the food and drugs act as amended, on or about November 2, 1922, from the State of Arkansas into the State of Kansas, of a quantity of cottonseed cake which was misbranded. The article was labeled in part: (Tag) "Weight 100 Pounds Net 'Chickasha Prime' Cottonseed Cake or Meal."

Examination of 60 sacks of the article by the Bureau of Chemistry of this department showed that the average net weight of the sacks examined was 97.33 pounds.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Weight 100 Pounds Net," borne on the sacks containing the article, was false and misleading, in that the said statement represented that each of said sacks contained 100 pounds net weight of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said sacks contained 100 pounds net weight of the article, whereas each of said sacks did not contain 100 pounds net weight of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 24, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*